

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TROY HALSTEAD,

Petitioner,

v.

Civil No. 2:12-CV-12613

HONORABLE ARTHUR J. TARNOW

UNITED STATES DISTRICT JUDGE

DUNCAN MaCLAREN,

Respondent,

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**ORDER GRANTING THE MOTION FOR PAUPER STATUS**

On August 30, 2013, the Court denied the petition for writ of habeas corpus that had been filed by petitioner pursuant to 28 U.S.C. § 2254. The Court also denied petitioner a certificate of appealability. *See Halstead v. MaClaren*, No. 2:12-CV-12613, 2013 WL 4669969 (E.D. Mich. August 30, 2013). On September 29, 2013, petitioner filed a notice of appeal with the United States Court of Appeals for the Sixth Circuit. Petitioner has now filed a motion to proceed *in forma pauperis* on appeal. For the reasons that follow, the motion for pauperis status is GRANTED.

Although the Court has denied a certificate of appealability to petitioner, the standard for granting an application for leave to proceed *in forma pauperis* (IFP) is a lower standard than the standard for certificates of appealability. *See Foster v. Ludwick*, 208 F. Supp. 2d 750, 764 (E.D. Mich. 2002)(citing *United States v.*

*Youngblood*, 116 F. 3d 1113, 1115 (5<sup>th</sup> Cir. 1997)). Whereas a certificate of appealability may only be granted if petitioner makes a substantial showing of the denial of a constitutional right , a court may grant IFP status if it finds that an appeal is being taken in good faith. *Id.* at 764-65; 28 U.S.C. § 1915(a)(3); Fed. R.App.24 (a). “Good faith” requires a showing that the issues raised are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765. The issues raised by petitioner are not frivolous, therefore, an appeal could be taken in good faith and petitioner may proceed *in forma pauperis* on appeal. *Id.*

### **ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED** that the “Motion For Pauper Status” [Dkt. # 28] is **GRANTED**.

S/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge

Dated: November 13, 2013

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on November 13, 2013, by electronic and/or ordinary mail.

S/Catherine A. Pickles

Judicial Assistant